

6/19/06 - Monday, June 19, 2006

CITY OF EAU CLAIRE

PLAN COMMISSION MINUTES

Meeting of June 19, 2006

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Levandowski, Waedt, Vande Loo, Davis, Larson, FitzGerald, Kayser, Ms. Kincaid

Staff Present: Messrs. Reiter, Genskow, Ivory

The meeting was chaired by Mr. Levandowski.

1. REZONING (Z-1357-06) - R-1 and R-1A to R-2, 306 Garden Street

Michael Law is requesting to rezone property located at 306 Garden Street, from R-1A and R-1 to R-2. There is an existing duplex on the property that was illegally converted from a single-family home in 1969. A building permit was issued in March of 1969 for remodeling the attic for two bedrooms and a bath; however, this remodeling instead added a second dwelling unit to the building, resulting in the illegal duplex.

The property was purchased by applicant in October of 2003 as a duplex. A year later he went to refinance the property and was told by the bank that the property was not zoned for a duplex. Applicant states he is trying to correct the situation without having to file a lawsuit against the former owner.

The Comprehensive Plan>

Inspection of the property has found some materials to the back of the garage that should be removed from the property. The site has a double garage on it. The required parking for a duplex is 4 stalls. An area along the east side of the driveway is used for parking but is worn grass/gravel. A site plan should be provided for staff approval showing how 2 more parking stalls could be paved on site for the required parking.

Michael Law, 509 Keith Street, the applicant, spoke in support. Mr. Law stated that he recently sold the property to Dan Rhutasel.

Dan Rhutasel, 306 Garden Street, the owner of the property, spoke in support. Mr. Rhutasel indicated that he was living in the house and had made improvements to the interior of the structure.

Paul Del Torto, 401 Water Street, stated that he had concerns about the proposed rezoning. Mr. Del Torto indicated that he owned property to the northwest of the subject property. He noted that he felt that the property owners along Garden Street have recently been making improvements to their homes and questioned whether this rezoning may discourage further improvements.

The Commission discussed the application. Several commissioners questioned whether this rezoning constituted spot zoning and expressed concern that approving it would be rewarding or forgiving the illegal conversion of the property to a duplex and encourage others to do the same and request approval after the fact.

Other commission members stated that R-2 zoning is considered low-density zoning and that the Comprehensive Plan encourages mixed-use development such as this. It was also noted that since the conversion occurred over 30 years ago, that the duplex had established some standing and that the City should have intervened years ago. It was noted that the City Assessors had the property listed as a duplex. Finally, R-2 zoning is located directly to the south of Garden Street.

The Commission also discussed an option of rezoning the property to R-1P.

Mr. Davis moved to recommend approval of the rezoning application with the conditions listed in the staff report and that appropriate landscaping be added to the front yard of the property subject to staff approval. These conditions shall be completed by September 30, 2006. Mr. Vande Loo seconded and the motion carried, with Mr. Larson and Mr. FitzGerard voting no.

2. REZONING (Z-1358-06) - Ordinance Amendment, Chapter 18.55, Zoning Board of Appeals Voting Requirements

The Plan Commission discussed a proposed amendment to the Zoning Code pertaining to Zoning Board of Appeals (ZBA) voting requirements. The amendment was initiated by the Plan Commission upon request by the ZBA in response to recent changes in State law. Prior to the change in State law, it required 4 members of the ZBA to approve a variance, appeal, or interpretation. The change in State law now only requires a majority of the ZBA. The ZBA recently changed its rules and procedures to define a quorum as 4 members. A majority of 4 members is 3 votes being required to now pass an appeal, variance, or interpretation. The amendment is consistent with the change in State law and rules and procedures of the ZBA.

Mr. FitzGerald moved to recommend approval of the amendment to the zoning code. Mr. Waedt seconded and the motion carried.

3. CONDITIONAL USE PERMIT (CZ-0618) - Ground Sign for Regis High School, 2100 Fenwick Avenue

Regis High School has submitted an application for a conditional use permit to replace an existing ground sign along South Hastings Way. The new ground sign would include a LED electronic message center sign. Regis is located at 2100 Fenwick Avenue and the property is zoned R-1. The proposed sign would be located at the same location as the existing sign, which has a setback of

approximately 40 feet from the Hastings Way right-of-way.

Within a residential zoning district, a conditional use permit is required for any sign exceeding 32 square feet in size, exceeding 6 feet in height, and if the sign includes an LED electronic message center sign. The overall size of the proposed sign would be approximately 54 square feet and its height would be 12 feet. The message center portion of the sign would be 26 square feet in size and the other two sign panels would total 28 square feet in size. The existing sign is 72 square feet in size and 14 feet in height.

The City Sign Code (Chapter 16.16) states that the Plan Commission can approve a conditional use permit to allow a ground sign exceeding 32 square feet in size and 6 feet in height in a residential zoning district if the applicant demonstrates that these standards are not adequate due to unique characteristics of the premise, such as location and orientation of the buildings on the site, large size of the premise, multiple entries to the premise or building, and the scale of the building and site.

In addition, the City recently adopted an amendment to the Sign Code that allows LED electronic message center signs within residential zoning districts as part of a ground sign upon approval of a conditional use permit, subject to several specific standards.

Mr. Ivory noted that a number of business advertising signs had been placed on the fencing surrounding the tennis courts, which are located to the south of the proposed sign. The City has notified Regis officials that these signs must be removed or appropriately relocated so that they are not visible from the street.

Emil Rinaldi, representing Regis High School, spoke in support of the application and discussed landscaping planned for the base of the sign.

No one appeared in opposition.

Mr. Vande Loo moved to approve the conditional use permit with staff conditions and adding that the business advertising signs located on the fencing be removed or appropriately relocated prior to issuance of a sign permit for the subject sign. Mr. Waedt seconded and the motion carried.

4. EASEMENT - Sewer Lift Station, North Crossing and Highway 53

The Commission reviewed a proposed permanent easement located at the southeast quadrant of the intersection of the North Crossing and new Highway 53 for a sewer lift station. Princeton Valley, LLC would provide the easement to the City.

Mr. FitzGerald moved to recommend approval of the permanent easement. Mr. Kayser seconded and the motion carried.

5. FINAL PLAT (P-6-06) - Final Plat, Sherman Estates III

Kramer Land Design Studio is requesting approval of the final plat for Sherman Estates III located north of Cameron Street and east of I-94. The final plat is consistent with the approved preliminary plat. The plat creates 38 lots for single-family residential development. The 20% slope area is legally defined along Sherman Creek and labeled "no build". This phase of the plat is for the area away from the I-94/Cameron underpass and does not impact any plans for a potential interchange at this location. The development agreement for streets and utilities will need City Council approval prior to signatures being placed on the final plat. The street names on the plat need City Council approval.

Mr. Davis moved to recommend approval of the final plat for Sherman Estates III. Mr. Vande Loo seconded and the motion carried.

6. DISCUSSION/DIRECTION

A. Down Zoning - 655 Putnam Drive

Mr. Reiter provided an overview of the zoning for 655 Putnam Drive. The Plan Commission, at its last meeting, requested staff to provide background information on R-3 zoned property on the east end of Putnam Drive. The R-3 zoned property is part of the lot for the existing single-family home immediately to the west (655 Putnam Drive). The other part of the lot has R-1 zoning, with the home part on the R-1 portion of the lot and part on the R-3 portion.

The R-1 portion of this property is a platted lot with 50' width. The existing home on the property is a larger home that would need to maintain an 8' side yard setback if the R-3 portion of the lot were separated. It is not possible to split this property into two lots for development purposes, given the location of the home on the property. If the property were rezoned to R-1, the existing home on the property would become a conforming use.

It was the consensus of the Commission that staff should proceed with initiating the process to rezone the property to R-1.

B. Canceling meeting of July 3, 2006

The Commission decided to cancel their July 3, 2006 meeting.

C. Code Compliance Items

It was noted that the lawn at 2003 McKinley Road was very long and that the owner should be contacted to have it cut.

D. Future Agenda Items

The Commission noted that several properties along the north side of Garden Street had two zoning>

MINUTES

The minutes of the June 5, 2006 Plan Commission meeting were approved.

The meeting was adjourned at 8:25 p.m.

Fred Waedt, Secretary